

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

IN RE: Allied Systems Holdings Inc. et al.

Yucaipa American Alliance Fund I LP et al.,	:	
	:	
Appellants,	:	
	:	
v.	:	C. A. No. 13-533
	:	
BDCM Opportunity Fund II LP et al.,	:	Bankruptcy Case No. 12-11564
	:	BAP No. 13-29
Appellees.	:	

RECOMMENDATION

At Wilmington this **23rd** day of **April, 2013**.

WHEREAS, pursuant to paragraph 2(a) of the Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District dated September 11, 2012, a teleconference was held on for an initial review and discussion with counsel to determine the appropriateness of mediation in this matter;

WHEREAS, as a result of the above screening process, the issues involved on appeal are not amenable to mediation and mediation in this case would not be a productive exercise, a worthwhile use of judicial resources nor warrant the expense of the process. The parties have mediation scheduled in early May 2013 which will address global issues involving adversary proceedings, including this matter.

THEREFORE, IT IS RECOMMENDED that, pursuant to paragraph 2(a) Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court. The parties have

advised there will be no objections filed to this Recommendation pursuant to 28 U.S.C. § 636(b)(1)(B), FED. R. CIV. P. 72(a) and D. DEL. LR 72.1.

Local counsel are obligated to inform out-of-state counsel of this Order.

/s/ Mary Pat Thyng
UNITED STATES MAGISTRATE JUDGE